

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on March 16, 2007 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. David E. Wanzenried (D)
Sen. Carol Williams (D)

Members Excused:

Sen. Larry Jent (D)
Sen. Jim Shockley (R)

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 435, 3/12/2007; HB 466,
3/12/2007; HB 629, 3/12/2007; HB
521, 3/12/2007; HB 723, 3/12/2007
Executive Action: HB 91, HB 521

HEARING ON HB 435

Opening Statement by Sponsor:

00:01:21 REP. JOHN PARKER (D), HD 23, opened the hearing on HB 435, Prohibit criminals from profiting from their own crime.

Proponents:

00:04:29 John Connor, Department of Justice

00:05:04 Mike Mahoney, Warden, Montana State Prison

00:05:42 Jim Smith, Montana County Attorneys Association

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:06:17 Sen. Perry to Rep. Parker

00:09:33 Sen. O'Neil to Rep. Parker

00:12:08 Sen. McGee to John Connor

00:16:53 Sen. McGee to Rep. Parker

00:18:52 Sen. Juneau to Rep. Parker

00:20:58 Sen. Perry to Rep. Parker

00:23:01 Sen. O'Neil to Rep. Parker

00:25:28 Sen. Jent to Rep. Parker

00:28:34 Sen. Curtiss to Rep. Parker

Closing by Sponsor:

00:29:29 Rep. Parker

HEARING ON HB 466

Opening Statement by Sponsor:

00:30:26 REP. RICK JORE (C), HD 12, opened the hearing on **HB 466**, Revise criminal accountability.

Proponents:

00:35:10 Joan Sherman

00:37:23 LeAnn Larsen

00:42:47 Rep. Janna Taylor

00:43:27 John Connor, Department of Justice

00:45:58 June Hermanson

Opponents: None

Informational Testimony: None.

Questions from Committee Members and Responses:

00:46:43 Sen. McGee to Sherman Family

00:46:56 Sen. McGee to John Connor

00:51:57 Sen. Juneau to John Connor

00:56:34 Sen. O'Neil to John Connor

00:59:16 Sen. Perry to John Connor

01:09:28 Sen. Jent to John Connor

01:12:54 Sen. McGee to John Connor

01:14:29 Sen. McGee to Rep. Jore

01:15:56 Sen. Laslovich to John Connor

01:22:42 Sen. Laslovich to Rep. Jore

01:23:45 Sen. Laslovich to John Connor

Closing by Sponsor:

01:24:51 Rep. Jore

HEARING ON HB 629

Opening Statement by Sponsor:

01:27:10 REP. ROBIN HAMILTON (D), HD 92, opened the hearing on HB 629, Mediation for criminal proceedings.

Proponents:

01:30:22 John Larson, District Judge

01:33:58 Eve Malo

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:38:32 Sen. Jent to Judge Larson

01:40:12 Sen. Laslovich to Judge Larson

Closing by Sponsor:

01:45:27 Rep. Hamilton

HEARING ON HB 521

Opening Statement by Sponsor:

01:48:54 REP. ELSIE ARNTZEN (R), HD 53, opened the hearing on HB 521, Revise burglary law by revising definition of "occupied structure".

Proponents:

EXHIBIT(jus56a01)

01:54:40 John Connor, Department of Justice

01:57:43 Jim Smith, Montana County Attorneys Association

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:58:41 Sen. McGee to John Connor

02:02:49 Sen. O'Neil to John Connor

02:04:40 Sen. Laslovich to John Connor

Closing by Sponsor:

02:08:02 Rep. Arntzen

HEARING ON HB 723

Opening Statement by Sponsor:

02:08:50 **REP. ELSIE ARNTZEN (R), HD 53**, opened the hearing on **HB 723**, Revise statutes governing county drinking and driving prevention programs.

EXHIBIT(jus56a02)

Proponents:

02:12:36 Don Hargrove, Montana Addiction Service Providers

02:13:34 Mike McGinley, Beaverhead County Commissioner

02:14:12 Charles Brooks, Yellowstone County Board of Commissioners

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

02:15:04 Sen. O'Neil to Rep. Arntzen

02:16:16 Sen. Williams to Rep. Arntzen

Closing by Sponsor:

02:19:05 Rep. Arntzen

EXECUTIVE ACTION ON HB 91

02:20:32 **Motion:** SEN. MOSS moved that HB 91 BE CONCURRED IN.

Discussion:

02:21:27 Sen. Shockley

02:21:48 Sen. Williams

02:22:42 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON HB 91. Motion carried unanimously by voice vote. SEN. WILLIAMS will carry HB 91.

EXECUTIVE ACTION ON HB 521

02:23:31 Sen. Laslovich

02:23:37 **Motion:** SEN. SHOCKLEY moved that HB 521 BE CONCURRED IN.

Discussion:

02:23:49 Sen. Laslovich

02:25:28 Sen. McGee

02:25:40 Sen. Shockley

02:26:10 Sen. Laslovich

02:26:31 Sen. McGee

02:27:28 Sen. Curtiss

02:27:41 Sen. Jent

02:28:00 Sen. Shockley

02:28:24 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON HB 521. Motion carried 10-2 by voice vote with SEN. JUNEAU, and SEN. SHOCKLEY voting no. SEN. CURTISS will carry HB 521.

ADJOURNMENT

Adjournment: 11:35 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus56aad.pdf](#))